

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SHERRY SCALERCIO-ISENBERG,	:	Civil Action: 1:19-cv-06034
	:	
Plaintiff,	:	
	:	<u>NOTICE OF REMOVAL</u>
v.	:	
	:	
MORGAN STANLEY, MATTHEW	:	
DZIEDZIC, JAMES P. GORMAN, JEFF	:	
BRODSKY, KERRIE R. HESLIN,	:	
	:	
Defendants.	:	

**TO: United States District Court
Southern District of New York
500 Pearl Street
New York, New York 07101**

Defendants Morgan Stanley Services Group Inc. (improperly pleaded as “Morgan Stanley”), Matthew Dziedzic, James P. Gorman, Jeff Brodsky and Kerrie R. Heslin (collectively, “Defendants”) by and through their attorneys, Nukk-Freeman & Cerra, P.C., hereby remove the above-entitled action from the Supreme Court of New York, County of New York to the United States District Court, Southern District of New York, pursuant to 28 U.S.C. §§1331, 1441 and 1446. Defendants respectfully state the following in support of this removal:

1. On June 10, 2019, Plaintiff Sherry Scalercio-Isenberg (hereafter, “Plaintiff”) filed a Complaint (hereafter “the Complaint”) against Defendants in the Supreme Court of New York, County of New York, Index No. 155749/2019 (the “State Court Action”). A copy of the Complaint and Summons is attached hereto as “**Exhibit A(1)**.” Counsel for Defendants executed and filed an Acceptance of Service of Summons and Complaint on June 10, 2019, a copy of which is attached as “**Exhibit A(2)**.”

2. This Notice of Removal is being timely filed within thirty (30) days after Defendants first received notice of the State Court Action through service or otherwise. Removal, therefore, is timely pursuant to 28 U.S.C. §1446(b)(1).

3. As of the present date, no other hearings or proceedings have taken place in the State Court Action to Defendants' knowledge.

4. This Court has original jurisdiction over the claims set forth in the Complaint pursuant to 28 U.S.C. §§1331 and 1441(a). The original jurisdiction is founded on Plaintiff's assertion of claims or rights in the Complaint arising under the laws of the United States. Specifically, Plaintiff has asserted claims of discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., violations of the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 621 et seq., and violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq., and seeks to recover compensatory statutory liquidated damages, interest, attorneys' fees and costs of suit. Due to Plaintiff's claims under these federal statutes, removal to this Court is appropriate under 28 U.S.C. §1441(a), without regard to the citizenship or residence of the parties or the amount in controversy.

5. This Court has supplemental jurisdiction over any of Plaintiff's claims not arising under the laws of the United States pursuant to 28 U.S.C. §1367, including Plaintiff's claims for violations of the New York State Human Rights Law, Executive Law § 296, and New York City Human Rights Law, N.Y. Admin. Code §8-107.

6. Based on the allegations in the Complaint, and without waiving any challenges with respect to same, this action was filed in the State of New York, County of New York, such that venue is proper in the Southern District of New York.

7. In accordance with 28 U.S.C. §1446(d), written notice of the filing of this Notice of Removal will be given promptly to all adverse parties, and a true and correct copy of this Notice of Removal will be promptly filed with the Clerk of the Supreme Court of New York, New York County.

8. All defendants, who have been properly joined and served, join in and consent to the removal of this action.

For the reasons set forth above, Defendants hereby respectfully request that the Court remove this action from the Supreme Court of New York, New York County, to the United States District Court for the Southern District of New York.

Respectfully submitted,

NUKK-FREEMAN & CERRA, P.C.

*Attorneys for Defendants,
Morgan Stanley Services Group Inc., Matthew
Dziedzic, James P. Gorman, Jeff Brodsky,
and Kerrie R. Heslin*

By: /s/ Patricia Prezioso
Patricia Prezioso, Esq.

Dated: June 27, 2019